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DATE July 7, 2004

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FORMAL PAPERS

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Docket No. H 3680A PCT/US

SN: 10/685,613

Art Unit: 1713

Confirmation No. 4177

Enclosure:

1. Request for Extension of Time - 1 page
2. Amendment - 3 pages

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PATENT
Docket No. H 3680A

JUL 07 2004

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of
Roberto Pavez Aranguiz

Serial No. 10/685,613
Filed: October 15, 2003

Examiner: W. K. Cheung
Art Unit: 1713

Title: FILLER-CONTAINING POLYMER DISPERSION,
METHOD FOR ITS PRODUCTION AND USE

AMENDMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Official Action of February 11, 2004, Applicants respectfully request that the rejection be reconsidered in light of the following discussion.

Before discussing the rejection over the prior art, applicants deem it prudent to set forth what they consider to be their invention. The invention is a polymer dispersion containing separate filler particles and polymer particles, a process for making the dispersion and methods of using the dispersions.

The dispersion of the invention comprises particles of at least one filler, a water-soluble organic polymer with a molecular weight of more than 600 and an HLB value of at least 15, particles of at least one synthetic organic polymer, polymerized in the presence of the filler particles. The ratio of the particle size of the filler particles to the particle size of the polymer particles is in a range of from 1.1:1 to 20:1. The composition of the invention preferably contains an anionic surfactant and can contain a nonionic surfactant in a range less than 1% based on the composition of the dispersion (see Examples). The preferred

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initiator is a persulfate (see page 21, lines 2-4; and examples). See claims 22, 24, 25, 26 and 38 for compositions containing an anionic surfactant.

The specification discloses processes by which the dispersion of the invention can be formed.

The claims stand rejected under 35 U.S.C. 102(b) or in the alternative, under 35 U.S.C. 103(a) over Martin (U.S. 4,6708,401). Applicants respectfully submit that Martin neither teaches nor suggests the present invention.

Martin discloses a dispersion of polymer encapsulated finely divided filler or pigment particles. There are no unencapsulated particles in the composition (see Examples 3, col. 19, lines 55-62; Examples 6-9, col. 23, lines 1-3; Examples 12-14, col. 26, lines 26-36; col. 11, lines 40-50).

The Martin dispersion differs from the dispersion of the present invention in that there are no separate filler particles and polymer particles in the dispersion.

The differences in the dispersions are due to the methods by which they are prepared. The Martin dispersion of encapsulated filler is made by polymerization of the monomer in the presence of a large amount of nonionic surfactant of a type which completely coats the surface of the filler particles and is displaced during polymerization. No ionic surfactants, initiators which form ionic compounds or charged particles can be present in the mixture during the polymerization (See col. 13, lines 61-68; col. 6, lines 45-48; col. 7, lines 62-68; col. 11, lines 17-25 and 37-45).

Martin teaches that all ionic materials must be excluded to the extent possible from the polymerizing mixture.

Martin discloses a completely encapsulated filler particle dispersion. Since there are no unencapsulated filler particles and no individual polymer particles, the Martin dispersion cannot have a ratio of the particle size of the filler particle to the particle size of the polymer particle in a range of from 1.1:1 to 20:1.

The present invention preferably uses ionic surfactants (see Examples) and persulfate initiators (see Example and page 10, line 19 to page 21, line 4).

The filler containing polymer dispersion of the invention comprises filler particles and

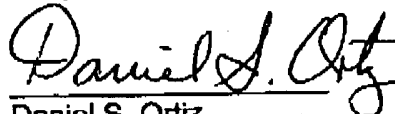
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polymer particles. The dispersion is not a dispersion of filler particles encapsulated with a polymer. In view of the differences in the dispersions and the processes by which they are prepared, applicants submit that a rejection under 35 U.S.C. 102(b) or 35 U.S.C. 103(a) over Martin is untenable and request that the rejection be reconsidered and withdrawn.

Applicants submit that a dispersion containing only encapsulated filler or pigment particles would neither teach nor suggest a dispersion containing separate filler particles and polymer particles with a ratio of partial size of the filler particles to the partial size of the polymer particles is from 1.1:1 to 20:1. The Martin dispersion cannot meet or suggest the particle size ratio even if the encapsulated filler or pigment particles are considered polymer particles and the filler or pigment in the encapsulated particle is considered a pigment particle. The ratio of the particle size of the encapsulated pigment particle must always be greater than the particle size of the filler or pigment particle.

Applicants respectfully request that the rejection be reconsidered and withdrawn in light of the above discussion.

Respectfully submitted,



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